

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 21, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SIMONA G. MARIE and THOMAS
LEWIS, spouses; and ALTCONT, LLC, a
Washington limited liability company,
Plaintiffs,
v.
PACIFIC LIFE INSURANCE
COMPANY, a foreign corporation;
HARDING FINANCIAL PARTNERS,
INC., a foreign corporation; ANDREW J.
BROWN, an individual,
Defendants.

No. 4:23-CV-05093-SAB

**ORDER DENYING
MOTION TO DISMISS**

On August 29, 2023, this Court ordered Plaintiffs Simona Marie and Thomas Lewis to file an amended complaint in accordance with Federal Rule Civil Procedure 15(a)(1)(B) or a response to Defendant Pacific Life Insurance Company's Motion to Dismiss Pursuant to FRCP 12(b)(6) and 9(b), ECF No. 8. Pacific Life Insurance Company's Motion alleges Plaintiffs' breach of contract, negligent misrepresentation, and Consumer Protection Act claims do not plead sufficiently detailed or specific factual allegations and are, therefore, defective for failing to articulate a plausible claim as required by the U.S. Supreme Court's

ORDER DENYING MOTION TO DISMISS *1

1 decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

2 Plaintiffs timely filed both their First Amended Complaint, ECF No. 12,
3 and a Response, ECF No. 13. As such, the Court DENIES with leave to renew
4 Defendant Pacific Life Insurance Company's Motion to Dismiss as moot.
5 Plaintiff's Response is stricken as moot.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Defendant Pacific Life Insurance Company's Motion to Dismiss for
8 Failure to State a Claim, ECF No. 8, is **DENIED** with leave to renew.

9 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
10 file this Order and provide copies to counsel.

11 **DATED** this 21st day of September 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge